

## **Remarks**

### ***Status of Claims***

Upon entry of this amendment, claims 1-5 and 11 are pending. Claims 1 and 11 have been amended. Claims 2-4 are as previously presented and claim 5 is original. Claim 6-10 have been cancelled without prejudice or disclaimer.

### ***Claims Amendments:***

Claims 1 has been amended to remove solvates and hydrates, and to amend plural to singular.

Claim 11 is has been amended to remove non-elected subject matter.

### ***Claims Rejections: 35 U.S.C. §112, 1<sup>st</sup> Paragraph***

In the Office Action dated July 1, 2011, claim 1 was rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. Specifically the Office Action asserts that “There is a lack of description as to how the hydrates or solvates are produced and what hydrates and solvates are produced in the specification.” (Office Action, page 3).

Without conceding to the rejection, and to expedite prosecution of the pending application, the Applicants have amended claim 1 to remove hydrates and solvates. Accordingly, the Applicants respectfully request withdrawal of the rejection of claim 1 under 35 U.S.C. §112, first paragraph.

### ***Claims Rejections: 35 U.S.C. §112, 2<sup>nd</sup> Paragraph***

In the Office Action dated July 1, 2011, claims 1 and 11 were rejected under 35 U.S.C. §112, second paragraph, as allegedly failing to particularly point out and distinctly claim the subject matter the applicant regards as the invention. Specifically the Office Action asserts that “The terms solvates and hydrates in claim 1 are indefinite to their meaning.” and “The plural “s” on hydrates , salts, isomers and solvates makes claim 1 read on mixtures rather than specific compounds.” (Office Action, page 6) Also, the Office Action asserts that “claim 11 lacks

antecedent basis for the thiadiazole and pyridyl compounds recited on pages 13 and 18.” (Office Action, page 6).

Without conceding to the rejection, and to expedite prosecution of the pending application, the Applicants have amended claim 1 to remove hydrates and solvates and to change from plural to singular. Applicants have also amended claim 11 to remove non-lected subject matter. Accordingly, the Applicants respectfully request withdrawal of the rejection of claims 1 and 11 under 35 U.S.C. §112, second paragraph.

### **CONCLUSION**

In view of the foregoing amendments and remarks, Applicants believe all claims now pending in this Application are in condition for allowance.

It is believed that no fees are necessary in connection with this paper, however if this is incorrect and additional fees are due, or additional extensions of time are necessary to prevent abandonment of this application, then the U.S. Patent and Trademark Office is authorized to deduct any requisite fees from, or deposit any overpayment into, Deposit Account **No. 50-1885** referencing docket PAT034395-US-PCT.

If the Examiner believes a telephone conference would expedite prosecution of this application, the Examiner is respectfully requested to contact the undersigned at the telephone number below.

Respectfully submitted,

Date: September 14, 2011

/Daniel E. Raymond, Reg. # 53,504/

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